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To: Microsoft ATR
Date: 1/25/02 12:03pm
Subject: Microsoft Settlement

To: Renata B. Hesse
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Under the Tunney Act, I wish to comment on the proposed Microsoft Settlement.

I have over 14 years of professional experience in the computer field. In all of that time I have seen many claims of Microsoft being innovative. Almost all of those situations involved them purchasing said innovation from a competitor or putting that competitor out of business to lay claim to the new method or product. In a few cases, they just take existing technologies and claim they are the best in the field, which a majority of the public seem to believe since they are the loudest self-promoters/advertisers.

I have seen them egregiously take existing methods of inter-operation between computer systems and say they are using that method within their own systems; yet, the reality is that they took a standard and modified it such that existing systems would not actually inter-operate with their new operating systems due to not having certain modifications to the methods they will not even document.

It would actually be very easy for me to take the emotional line of saying that the Microsoft corporation is the one company that has actually done more to harm the computing industry than any other over the past 10 years.

As I stand back and attempt to look at the issues a bit more rationally, I have to admit that the emotional response really is not that far off.

Time after time, products that were technically better in some way or products that were easier to use and serving needs very well have been purchased and suppressed by Microsoft, or a Microsoft offering bundled into the Microsoft operating system seemingly for free to the public, or had an interface upon which they relied changed without notice, or explicitly marked, without technical cause, within a Microsoft product as not allowed to operate.

The entire situation of them being dominant is not due to technical superiority, but only due to marketing and anti-competitive business practices.

After reading the settlement, I do not feel that the root causes of their anti-competitive behavior will be change in any significant way.

The settlement does not address not-for-profit entities.

The settlement fails to make known the methods of communicating with their products available, even to government entities.

Source code is not even necessary, only inter-operation. The settlement does not address the needs to ensure that they compete fairly in a technical arena.

As such, I feel the proposed settlement should not be allowed.

Thank you,
Philip Kizer

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